

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE**

**MARTIN LUTHER KING
COURTHOUSE
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ROOM 5076
NEWARK, NJ 07101
973-297-4887**

July 11, 2017

LETTER ORDER

**Re: *Wolfe v. Derrick Marine, Inc., et al.*
 Civil Action No. 16-8026 (ES) (MAH)**

Dear Counsel:

On January 12, 2017, Plaintiff requested entry of default under Federal Rule of Civil Procedure 55(a) by the Clerk of Court. (D.E. No. 4). But the Clerk of Court has not entered default—which is a prerequisite for default judgment. *See, e.g., Husain v. Casino Control Comm’n*, 265 F. App’x 130, 133 (3d Cir. 2008).

Having reviewed the executed summons returned in this case (D.E. No. 3), the Court hereby orders Plaintiff to show cause how service of the Complaint and Summons meets the requirements of Federal Rule of Civil Procedure 4. In particular, Plaintiff must address the propriety of: (1) naming Defendants’ purported counsel under the “Name and address of *Defendant*” (*see* D.E. No. 3 at 1 (emphasis added)) and (2) effecting service “by mail through U.S. Postal Service . . . by certified mail, return receipt requested” (*see* D.E. No. 3 at 2). Plaintiff shall show cause by no later than 30 days from this Order by way of a letter to this Court filed on the CM/ECF System.

As such, without the entry of default by the Clerk of Court, the Court must DENY *without prejudice* the pending motion for default judgment. (D.E. No. 9). The Clerk of Court shall terminate Docket Entry No. 9.

SO ORDERED.

s/Esther Salas
Esther Salas, U.S.D.J.